

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE CHIEF ADMINISTRATIVE HEARING OFFICER

SALVADOR CHAVARIN-LOPEZ,)
Complainant,)
)
v.) 8 U.S.C. 1324b Proceeding
) CASE NO. 90200377
)
NICHOLS FARMS,)
Respondent.)

)

ORDER OF DISMISSAL BASED UPON
SETTLEMENT AGREEMENT

Complainant, Salvador Chavarin-Lopez, filed a Complaint against Respondent, Nichols Farms, on December 31, 1990. The Complaint alleged a violation of the Immigration Reform and Control Act of 1986 (the Act), 8 U.S.C, Section 1324b, to wit, Respondent's discriminatory termination of Complainant because of his citizenship status.

On January 29, 1991, the Office of the Chief Administrative Hearing Officer issued a Notice of Hearing on Complaint Regarding Unfair Immigration Related Employment Practices, assigning me as the Administrative Law Judge in this case and advising the parties of, inter alia, that⁵⁶⁹ the hearing would be held in or around Fresno, California.

On March 5, 1991, Respondent, Nichols Farms, through its Attorney Daniel W. Rowley, filed an Answer to the Complaint.

On March 3, 1991, I issued an Order Directing Procedures for Pre-hearing. An Order Directing Procedures for Pre-hearing Telephonic Conference was issued on April 17, 1991, setting the conference for April 26, 1991; later changed to May 3, 1991.

2 OCAHO 371

On May 3, 1991, I issued an Order Confirming Pre-hearing Telephonic Conference, requesting inter alia that the parties submit a Joint Status Report to me on or before the close of business on Monday, June 17, 1991.

On August 30, 1991, I received a Joint Motion for Dismissal; Order of Dismissal and a copy of the confidential Settlement Agreement, Waiver and Release executed on June 25, 1991, by Salvador Chavarin-Lopez, Complainant, by Michael J. Kanz, Attorney for the Complainant, and by Daniel W. Rowley, Attorney for Respondent, on July 31, 1991. In accordance with the parties' agreement of confidentiality, the terms of the settlement shall remain undisclosed.

Implicit in the judicial response to a request for dismissal is the determination by the judge that it is in the public interest to issue an order of dismissal. I conclude the an order of dismissal is appropriate as being in the public interest in this IRCA case.

Accordingly,

- (1) A Motion to Dismiss Based Upon Settlement Agreement is granted.
- (2) The hearing previously to be scheduled is hereby canceled.
- (3) The contents of the Settlement Agreement is not to be unsealed without Order of this Court.
- (4) This proceeding is dismissed, settled.

IT IS SO ORDERED this 3rd day of September, 1991, at San Diego, California.

E. MILTON FROSBURG
Administrative Law Judge